

## **REMARKS**

Upon entry of the present amendment, claims 1, 3-12 and 14-22 will be pending in this application. Claims 3, 4, 9, 14, 15 and 20 are hereby cancelled. Claims 2 and 13 were previously cancelled. Applicants submit that no new matter is added in the present amendment.

Claims 1, 5, 6, 8, 10, 12, 16, 17, 19 and 21 stand rejected under 35 U.S.C. § 102(b) as being allegedly unpatentable over United States Patent No. 6,856,686 (“DiSanto”). Claims 3, 4, 7, 9, 11, 14, 15, 18, 20 and 22 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over DiSanto in view of United States Patent No. 5,903,723 (“Beck”). Applicants respectfully traverse.

## **INTERVIEW SUMMARY**

On November 28, 2007, Examiner Ramy Osman and Applicants’ undersigned representative, Mr. Eiferman, participated in a telephonic interview. During the interview, Mr. Eiferman proposed the claim amendments herein. Examiner Osman stated that these claim amendments were likely to overcome the currently cited references.

### ***Rejections under 35 U.S.C. § 102***

Claims 1, 2, 5, 6, 8, 10, 12, 13, 16, 17, 19 and 21 stand rejected under 35 U.S.C. § 102(b) as being allegedly unpatentable over United States Patent No. 6,856,686 (“DiSanto”). Applicants respectfully traverse.

Independent claims 1, 8, 12 and 19 recite an attachment portion having protected content and comprising rights data relating to the protected content, the rights data sets forth each entity that has rights with respect to the protected content, and for each such entity a description of such rights. The rights data also includes a decryption key, which is encrypted according to a rights management server’s private key.

DiSanto discloses that an email may include separate encrypted portions, each encrypted according to a recipient’s public key (DiSanto, Col. 13, l. 62 - Col. 14, l. 29). The Office Action alleges that this is analogous to the claimed rights data, with the exception of the decryption key.

Beck discloses that an encrypted email may include a corresponding decryption key (Beck, Col. 7, ll. 19-40). The Office Action alleges that this is analogous to the decryption key in the claimed rights data in the email.

The Office Action attempts to combine the above described features of Beck and DiSanto in order to allegedly teach the features incorporated into independent claims 1, 8, 12 and 19. However, Applicants respectfully submit that recipient encryption key techniques of DiSanto clearly teach away from the decryption key email attachment techniques of Beck. In particular, if the encrypted portion of an email is encrypted according to a recipient's public key (as disclosed in DiSanto), then the decryption key would be the recipient's private key. Presumably, the recipient would already have its own private key. Thus, it would be nonsensical to attach the recipient's private key (*e.g.*, the decryption key) to the email (as disclosed in Beck). Not only that, but attaching the recipient's private key to an email would be a **major** security risk. If, for example, such an email fell into the wrong hands, and the recipient's private key become available to a hacker, then all data sent to the recipient could potentially be accessed by the hacker.

Accordingly, Applicants respectfully submit that independent claims 1, 8, 12 and 19 and all claims depending therefrom are not anticipated by DiSanto and are patentable over DiSanto in view of Beck. Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 102 rejections are respectfully requested.

***Rejections under 35 U.S.C. § 103***

Claims 3, 4, 9, 11, 14, 15, 18, 20 and 22 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over DiSanto in view of United States Patent No. 5,903,723 ("Beck"). Claims 3, 4, 9, 14, 15 and 20 are hereby cancelled. Moreover, for at least the reasons described above, Applicants respectfully traverse and submit that claims 11, 18 and 22 are patentable at least by reason of their dependency. Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 103 rejections are respectfully requested.

**DOCKET NO.:** 304791.1 / MSFT-2152  
**Application No.:** 10/607,898  
**Office Action Dated:** September 20, 2007

**PATENT**  
**REPLY FILED UNDER EXPEDITED**  
**PROCEDURE PURSUANT TO**  
**37 CFR § 1.116**

**CONCLUSION**

In view of the above amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application is respectfully requested.

Date: December 20, 2007

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